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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FRANCISCO VALDEZ, et al.)	Case No. C09-00176 RMW)
)	
Plaintiffs,)	
)	
vs.)	(Also to be filed in Related
)	Case No. C08-4032 JF (PVT)
)	
CITY OF SAN JOSE, et al.,)	
)	
Defendants.)	STIPULATION, REQUEST, AND
)	PROPOSED ORDER FOR LEAVE
)	TO FILE SECOND AMENDED
)	COMPLAINT
)	
)	
)	

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL:

IT IS HEREBY STIPULATED by the parties, through their undersigned counsel, that the plaintiffs have sufficient grounds for leave to file a Second Amended Complaint, a true and correct copy of which is attached hereto as Exhibit "A", based on the following facts:

1. Plaintiffs initially filed this action on January 14, 2009;

1 2. Plaintiffs filed a First Amended Complaint on February 2, 2009, as a matter
2 of right;

3 3. To accommodate investigation into legal and factual grounds for naming
4 additional defendants and an additional plaintiff, the parties stipulated to allow the
5 defendants additional time to file a responsive pleading to the First Amended Complaint to
6 March 4, 2009;

7 4. By March 4, 2009, investigation into the potential new claim(s) was
8 continuing and incomplete despite the diligence of the parties and therefore the parties
9 stipulated to allow the defendants additional time to file a responsive pleading to the First
10 Amended Complaint to April 24, 2009.

11 5. On April 24, 2009, the plaintiffs informed the defense that their investigation
12 into the potential new claim(s) was completed and have determined it is warranted to name
13 a new plaintiff and additional defendants in this action.

14 6. The parties have therefore agreed that interests of judicial economy and the
15 preservation of judicial resources will be served by allowing the plaintiffs to file the
16 proposed Second Amended Complaint attached hereto.

17 IT IS FURTHER STIPULATED that the defendants are not required to file a
18 responsive pleading to the First Amended Complaint, if this Order is entered by the Court,
19 who shall then have 20 days to respond from that date of filing of the Second Amended
20 Complaint. If the Court does not enter this Order, all named Defendants must respond to the
21 First Amended Complaint by May 15, 2009.

22 So stipulated.

23 DATED: April 29, 2009

BUSTAMANTE, O'HARA, & GAGLIASSO, P.C.

24
25
26 By: _____/S/
27 ANDREW V. STEARNS
28 IGNASCIO G. CAMARENA II
STEVEN M. BERKI, attorneys for
Plaintiffs

1 DATED: April 29, 2009

THE LAW FIRM OF KALLIS & ASSOCIATES, P.C.

2
3 By: /S/

4 M. JEFFERY KALLIS, attorneys for
Plaintiffs

5 DATED: April 29, 2009

RICHARD DOYLE, City Attorney

6
7 By: /S/

8 CLIFFORD S. GREENBERG, Deputy City Attorney

9
10 SO ORDERED.

11 DATED: July 10, 2009

12 
HON. JEREMY FOGEL
United States District Court, Northern District
San Jose Division